

Message Text

CONFIDENTIAL

PAGE 01 USBERL 01938 231908Z

66

ACTION EUR-12

INFO OCT-01 ISO-00 L-01 JUSE-00 PA-01 PRS-01 USIA-06 PM-03

NSC-05 SP-02 SS-15 RSC-01 CIAE-00 INR-05 NSAE-00

DRC-01 (ISO) W

----- 093482

P 231700Z OCT 74

FM USMISSION USBERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 26

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 1938

E.OM 11652: GDS

TAGS: PGOV, WB, GE, GW

SUBJECT: BRUECKMANN

REFS: A) BONN 16514; B) BONN 16542; C) BERLIN 1922

1. SUMMARY. SCENARIO TO OBTAIN FURTHER ASSURANCES FROM SENATOR FOR JUSTICE KORBER WAS PLAYED OUT OCTOBER 23. HOUSE OF REPRESENTATIVES WILL ADOPT AMENDMENTS TO 1953 LAW ON INNER-GERMAN JUDICIAL COOPERATION IN CRIMINAL MATTERS OCTOBER 24; ALLIES WILL ISSUE BK/L AND BK/O SAME DAY; AND PUBLIC PROSECUTOR WILL REVERSE PREVIOUS DECISION TO TURN GIRL OVER TO GDR OCTOBER 25. END SUMMARY.

2. DESPITE INITIAL FRENCH DESIRE TO HAVE MINISTERS MAKE TRIPARTITE DEMARCHE AND PRESENT KORBER WITH STATEMENT FOR HIM TO SIGN, WE WERE ABLE TO DEESCALATE MEETING TO ONE ATTENDED ONLY BY CHAIRMAN (BRITISH) LEGAL ADVISOR AND SENAT LIAISON OFFICER AT END OF WHICH PARTICIPANTS SIGNED FOLLOWING PREVIOUSLY DRAWN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 01938 231908Z

UP MEMORANDUM OF CONVERSATION:

BEGIN TEXT: THE ALLIED REPRESENTATIVES MET WITH SENATOR KORBER ON 23 OCTOBER AND EXPRESSED INTEREST IN THE EFFECT THAT THE PROPOSED AMENDMENT OF THE 1953 LAW ON INNER-GERMAN JUDICIAL COOPERATION IN CRIMINAL MATTERS MIGHT BE EXPECTED TO HAVE ON THE BRUECKMANN CASE. THE SENATOR INDICATED THAT THE STAATSANWALT WOULD ACT QUICKLY TO REVIEW HIS PREVIOUS DECISION RESPECTING HANDING OVER OF MISS BRUECKMANN TO THE GDR. HE CONFIRMED THAT IF THE PUBLIC PROSECUTOR ACTED UNDER ARTICLE 9 OF THE LAW, HE WOULD NOT, IN REVIEWING HIS DECISION ON THE BRUECKMANN CASE, TAKE ACCOUNT OF OR REFER TO THE JUDGMENT OF THE FEDERAL CONSTITUTIONAL COURT OF 27 MARCH 1974. THE SENATOR DESCRIBED HOW HE EXPECTED THE CASE TO PROGRESS IN THE FUTURE. THE ALLIED REPRESENTATIVES TOOK NOTE OF SENATOR KORBER'S STATEMENT AND ASKED TO BE KEPT INFORMED. END TEXT.

3. FOLLOW-ON SCENARIO SKETCHED BY KORBE CLOSELY FOLLOWED THAT REPORTED IN BERLIN 1451. FRG PRESIDENT SCHEEL EXPECTED TO SIGN LAW INTO FORCE IN FRG OCTOBER 23. BERLIN HOUSE OF REPRESENTATIVES WILL ADOPT IT BY ROUTINE MANTELGESETZ FOLLOWING DAY. PUBLIC PROSECUTOR WILL REVERSE HIS PREVIOUS DECISION AND DECIDE THAT BRUECKMANN SHOULD NOT BE HANDED BACK TO GDR AS SOON AS LAW PUBLISHED IN GESETZ UND VERORDNUNGSBLATT FUER BERLIN, WHICH SHOULD BE MORNING OF OCTOBER 25. PUBLIC PROSECUTOR WILL GIVE AS REASON THAT PRESENT SITUATION IS INTOLERABLY DEADLOCKED, I.E.. BRUECKMANN CAN NOT BE TURNED OVER TO GDR SO LONG AS STRASBOURG HUMAN RIGHTS COMMISSION IS CONSIDERING HER APPEAL, AND SHE CAN NOT BE BROUGHT TO TRIAL IN WEST BERLIN WHILE GDR REQUEST FOR EXTRADITION IS OUTSTANDING. IN ORDER TO ASSURE BRUECKMANN HER RIGHT TO SPEEDY TRIAL, THEREFORE, PUBLIC PROSECUTOR WILL REJECT GDR REQUEST. QUICK ACTION BY PUBLIC PROSECUTOR IS DESIRABLE, KORBER NOTED, TO PREEMPT POSSIBILITY THAT KAMMERGERICHT MIGHT HAVE TO RULE ON EXPECTED MOTION FROM DEFENSE LAWYER THAT COURT REVERSE ITS DECISION TO TURN GIRL BACK AS RESULT OF NEW LAW.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 01938 231908Z

4. KORBER ALSO INDICATED PUBLIC PROSECUTOR INTENDED TO MOVE SMIULTANEOUSLY FOR ISSUANCE OF NEW DETENTION ORDER SO THAT BRUECKMANN CAN BE KEPT IN JAIL WHILE PREPARATIONS ARE MADE FOR TRIAL IN WEST BERLIN.

PUBLIC PROSECUTOR WOULD SEEK TO BRING HER BEFORE JUVENILE COURT BY END OF YEAR ON CHARGE EQUIVALENT TO MANSLAUGHTER. HE WOULD WRITE OPPOSITE NUMBER IN

GDR IN EFFORT TO OBTAIN FROM GDR SUCH EVIDENCE AS IT
MAY HAVE, BUT WOULD NOT ALLOW THIS PROCEDURE
TO SLOW PREPARATIONS, SINCE, IF GDR NOT FORTHCOMING,
BUECKMANN'S CONFESSION BEFORE WEST BERLIN COURT IN
SPRING 1973 THAT SHE HAD KILLED HER FATHER WOULD BE
SUFFICIENT TO GUARANTEE CASE AT LEAST GOING TO TRIAL.
KLEIN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, INTERGOVERNMENTAL COOPERATION, CRIMINAL LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 23 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: shawdg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USBERL01938
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740315-0125
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741021/aaaaaryp.tel
Line Count: 122
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A) BONN 16514; B) BONN 16542; C) BER, LIN 1922
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags:
Review Date: 01 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 MAY 2002 by boyleja>; APPROVED <11 MAR 2003 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BRUECKMANN
TAGS: PGOV, WB, GC, GE, (BRUECKMANN, INGRID)
To: BONN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005